



01 MAY 2008

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PHILADELPHIA, PA 19103

In re Application of: :
BOURLION, Maurice, et al. :
U.S. Application No.: 10/589,314 :
PCT No.: PCT/FR2005/000340 :
International Filing Date: 11 February 2005 :
Priority Date: 11 February 2004 :
Atty's Docket No.: BDM-06-1214 :
For: DEVICE FOR MONITORING THE :
PENETRATION OF AN :
INSTRUMENT INTO AN :
ANATOMICAL STRUCTURE :
: DECISION ON RENEWED
: PETITION UNDER
: 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 12 March 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 18 December 2007. The decision dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort.

On 12 March 2008, applicants filed the renewed petition considered herein (with required extension fee).

DISCUSSION

The renewed petition includes a firsthand statement confirming that a request for signature, accompanied by a copy of the complete application, has been forwarded to the non-signing inventor, and that the non-signing inventor did not provide the signed documents in response to such request. The renewed petition also includes a copy of a letter from a representative of the non-signing inventor indicating that the inventor will not be providing the requested signature. These materials provide an adequate showing that the non-signing inventor has refused to execute the application. The final requirement of a grantable petition under 37 CFR 1.47(a) is therefore now satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Gerard VANACKER.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 October 2007.



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For: DEVICE FOR MONITORING THE PENETRATION OF AN INSTRUMENT
INTO AN ANATOMICAL STRUCTURE

Dear Mr. VANACKER:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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